

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against:

**MARK ANGELONI**  
**a.k.a. MARK ADAM ANGELONI**  
**10279 Caminito Agadir**  
**San Diego, CA 92131**

Registered Nurse License No. **326193**

Respondent

Case No. 2011-366

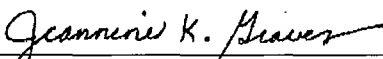
OAH No. 2010120189

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **September 22, 2011.**

IT IS SO ORDERED **August 23, 2011.**

  
\_\_\_\_\_  
President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2011-366

12 **MARK ANGELONI AKA MARK ADAM**  
13 **ANGELONI**  
14 **10279 Caminito Agadir**  
**San Diego, CA 92131**

OAH No. 2010120189

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

15 **Registered Nurse License No. 326193**

16 Respondent.  
17

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
23 Registered Nursing. She brought this action solely in her official capacity and is represented in  
24 this matter by Kamala D. Harris, Attorney General of the State of California and by Desiree I.  
25 Kellogg, Deputy Attorney General.

26 2. Respondent Mark Angeloni, aka Mark Adam Angeloni (Respondent) is represented  
27 in this proceeding by attorney Kevin C. Murphy, Murphy Jones LLP whose address is: 2445  
28 Fifth Avenue, Suite 330, San Diego, CA 92101.

1       3.     On or about March 31, 1981, the Board of Registered Nursing issued Registered  
2 Nurse License No. 326193 to Mark Angeloni aka Mark Adam Angeloni (Respondent). The  
3 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
4 in First Amended Accusation No. 2011-366 and will expire on August 31, 2012, unless renewed.

5                                   JURISDICTION

6       4.     First Amended Accusation No. 2011-366 was filed before the Board of Registered  
7 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.  
8 The Accusation and all other statutorily required documents were properly served on Respondent  
9 on October 25, 2010. Respondent timely filed his Notice of Defense contesting the Accusation  
10 and First Amended Accusation. A copy of First Amended Accusation No. 2011-366 is attached  
11 as exhibit A and incorporated herein by reference.

12                                   ADVISEMENT AND WAIVERS

13       5.     Respondent has carefully read, fully discussed with counsel, and understands the  
14 charges and allegations in First Amended Accusation No. 2011-366. Respondent has also  
15 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
16 Settlement and Disciplinary Order.

17       6.     Respondent is fully aware of his legal rights in this matter, including the right to a  
18 hearing on the charges and allegations in the First Amended Accusation; the right to confront and  
19 cross-examine the witnesses against him; the right to present evidence and to testify on his own  
20 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
21 production of documents; the right to reconsideration and court review of an adverse decision;  
22 and all other rights accorded by the California Administrative Procedure Act and other applicable  
23 laws.

24       7.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
25 every right set forth above.

26                                   CULPABILITY

27       8.     Respondent admits the truth of each and every charge and allegation in First  
28 Amended Accusation No. 2011-366.

1           9.     Respondent agrees that his Registered Nurse License is subject to discipline and he  
2 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order  
3 below.

4                                   RESERVATION

5           10.    The admissions made by Respondent herein are only for the purposes of this  
6 proceeding, or any other proceedings in which the Board of Registered Nursing or other  
7 professional licensing agency is involved, and shall not be admissible in any other criminal or  
8 civil proceeding.

9                                   CONTINGENCY

10          11.    This stipulation shall be subject to approval by the Board of Registered Nursing.  
11 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
12 Registered Nursing may communicate directly with the Board regarding this stipulation and  
13 settlement, without notice to or participation by Respondent or his counsel. By signing the  
14 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
15 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
16 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
17 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
18 action between the parties, and the Board shall not be disqualified from further action by having  
19 considered this matter.

20          12.    The parties understand and agree that facsimile copies of this Stipulated Settlement  
21 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
22 effect as the originals.

23          13.    This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
24 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
25 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
26 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
27 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
28 writing executed by an authorized representative of each of the parties.

1 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
2 the Board may, without further notice or formal proceeding, issue and enter the following  
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Registered Nurse License No. 326193 issued to  
6 Respondent Mark Angeloni aka Mark Adam Angeloni (Respondent) is revoked. However, the  
7 revocation is stayed and Respondent is placed on probation for three (3) years on the following  
8 terms and conditions.

9 **Severability Clause.** Each condition of probation contained herein is a separate and  
10 distinct condition. If any condition of this Order, or any application thereof, is declared  
11 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
12 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
13 and enforceable to the fullest extent permitted by law.

14 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A  
15 full and detailed account of any and all violations of law shall be reported by Respondent to the  
16 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
17 compliance with this condition, Respondent shall submit completed fingerprint forms and  
18 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
19 as part of the licensure application process.

20 **Criminal Court Orders:** If Respondent is under criminal court orders, including  
21 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
22 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

23 2. **Comply with the Board's Probation Program.** Respondent shall fully  
24 comply with the conditions of the Probation Program established by the Board and cooperate with  
25 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
26 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
27 more than 15 days of any address change and shall at all times maintain an active, current license  
28 status with the Board, including during any period of suspension.

1       Upon successful completion of probation, Respondent's license shall be fully restored.

2               3.     **Report in Person.** Respondent, during the period of probation, shall  
3 appear in person at interviews/meetings as directed by the Board or its designated representatives.

4               4.     **Residency, Practice, or Licensure Outside of State.** Periods of residency  
5 or practice as a registered nurse outside of California shall not apply toward a reduction of this  
6 probation time period. Respondent's probation is tolled, if and when he resides outside of  
7 California. Respondent must provide written notice to the Board within 15 days of any change of  
8 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
9 returning to practice in this state.

10       Respondent shall provide a list of all states and territories where he has ever been licensed  
11 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
12 information regarding the status of each license and any changes in such license status during the  
13 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing  
14 license during the term of probation.

15               5.     **Submit Written Reports.** Respondent, during the period of probation,  
16 shall submit or cause to be submitted such written reports/declarations and verification of actions  
17 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
18 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
19 Program. Respondent shall immediately execute all release of information forms as may be  
20 required by the Board or its representatives.

21       Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
22 state and territory in which he has a registered nurse license.

23               6.     **Function as a Registered Nurse.** Respondent, during the period of  
24 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
25 hours per week for 6 consecutive months or as determined by the Board.

26       For purposes of compliance with the section, "engage in the practice of registered nursing"  
27 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
28 non-direct patient care position that requires licensure as a registered nurse.

1 The Board may require that advanced practice nurses engage in advanced practice nursing  
2 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

3 If Respondent has not complied with this condition during the probationary term, and  
4 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
5 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
6 extension of Respondent's probation period up to one year without further hearing in order to  
7 comply with this condition. During the one year extension, all original conditions of probation  
8 shall apply.

9 **7. Employment Approval and Reporting Requirements.** Respondent shall  
10 obtain prior approval from the Board before commencing or continuing any employment, paid or  
11 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
12 performance evaluations and other employment related reports as a registered nurse upon request  
13 of the Board.

14 Respondent shall provide a copy of this Decision to his employer and immediate  
15 supervisors prior to commencement of any nursing or other health care related employment.

16 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
17 (72) hours after he obtains any nursing or other health care related employment. Respondent  
18 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,  
19 regardless of cause, from any nursing, or other health care related employment with a full  
20 explanation of the circumstances surrounding the termination or separation.

21 **8. Supervision.** Respondent shall obtain prior approval from the Board  
22 regarding Respondent's level of supervision and/or collaboration before commencing or  
23 continuing any employment as a registered nurse, or education and training that includes patient  
24 care.

25 Respondent shall practice only under the direct supervision of a registered nurse in good  
26 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
27 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
28 approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

**9. Employment Limitations.** Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined



1 worksite(s) and shall not work in a float capacity.

2 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
3 request documentation to determine whether there should be restrictions on the hours of work.

4 **10. Complete a Nursing Course(s).** Respondent, at his own expense, shall  
5 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
6 than six months prior to the end of his probationary term.

7 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
8 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
9 above required course(s). The Board shall return the original documents to Respondent after  
10 photocopying them for its records.

11 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with  
12 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
13 amount of \$7,476.00. Respondent shall be permitted to pay these costs in a payment plan  
14 approved by the Board, with payments to be completed no later than three months prior to the end  
15 of the probation term.

16 If Respondent has not complied with this condition during the probationary term, and  
17 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
18 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
19 extension of Respondent's probation period up to one year without further hearing in order to  
20 comply with this condition. During the one year extension, all original conditions of probation  
21 will apply.

22 **12. Violation of Probation.** If Respondent violates the conditions of his  
23 probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside  
24 the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

25 If during the period of probation, an accusation or petition to revoke probation has been  
26 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
27 an accusation or petition to revoke probation against Respondent's license, the probationary  
28 period shall automatically be extended and shall not expire until the accusation or petition has

1 been acted upon by the Board.

2           13.     **License Surrender.** During Respondent's term of probation, if he ceases  
3 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
4 probation, Respondent may surrender his license to the Board. The Board reserves the right to  
5 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
6 take any other action deemed appropriate and reasonable under the circumstances, without further  
7 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no  
8 longer be subject to the conditions of probation.

9           Surrender of Respondent's license shall be considered a disciplinary action and shall  
10 become a part of Respondent's license history with the Board. A registered nurse whose license  
11 has been surrendered may petition the Board for reinstatement no sooner than the following  
12 minimum periods from the effective date of the disciplinary decision:

13           (1)     Two years for reinstatement of a license that was surrendered for any reason other  
14 than a mental or physical illness; or

15           (2)     One year for a license surrendered for a mental or physical illness.

16           14.     **Physical Examination.** Within 45 days of the effective date of this Decision,  
17 Respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician  
18 assistant, who is approved by the Board before the assessment is performed, submit an  
19 assessment of the Respondent's physical condition and capability to perform the duties of a  
20 registered nurse, including a determination as set forth below in Condition 16, "**Rule-Out  
21 Substance Abuse Assessment.**" Such an assessment shall be submitted in a format acceptable to  
22 the Board. If medically determined, a recommended treatment program will be instituted and  
23 followed by the Respondent with the physician, nurse practitioner, or physician assistant  
24 providing written reports to the Board on forms provided by the Board.

25           If Respondent is determined to be unable to practice safely as a registered nurse, the  
26 licensed physician, nurse practitioner, or physician assistant making this determination shall  
27 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
28 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall

1 immediately cease practice and shall not resume practice until notified by the Board. During this  
2 period of suspension, Respondent shall not engage in any practice for which a license issued by  
3 the Board is required until the Board has notified Respondent that a medical determination  
4 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
5 of this probationary time period.

6 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
7 requirement, Respondent shall immediately cease practice and shall not resume practice until  
8 notified by the Board. This period of suspension will not apply to the reduction of this  
9 probationary time period. The Board may waive or postpone this suspension only if significant,  
10 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
11 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
12 Only one such waiver or extension may be permitted.

13 15. **Mental Health Examination.** Respondent shall, within 45 days of the  
14 effective date of this Decision, have a mental health examination including psychological testing  
15 as appropriate to determine his capability to perform the duties of a registered nurse, including a  
16 determination as set forth below in Condition 16, "Rule-Out Substance Abuse Assessment."  
17 The examination will be performed by a psychiatrist, psychologist or other licensed mental health  
18 practitioner approved by the Board. The examining mental health practitioner will submit a  
19 written report of that assessment and recommendations to the Board. All costs are the  
20 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
21 result of the mental health examination will be instituted and followed by Respondent.

22 If Respondent is determined to be unable to practice safely as a registered nurse, the  
23 licensed mental health care practitioner making this determination shall immediately notify the  
24 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
25 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
26 practice and may not resume practice until notified by the Board. During this period of  
27 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
28 is required, until the Board has notified Respondent that a mental health determination permits

Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

**16. Rule-Out Substance Abuse Assessment.** If the examiner conducting the physical and/or mental health examination determines that the Respondent is dependent upon drugs or alcohol, or has had problems with drugs or alcohol (i.e. drug dependence in remission or alcohol dependence in remission), that might reasonably affect the safe practice of nursing, then Respondent must further comply with the following additional terms and conditions of probation.

**(A) Participate in Treatment/Rehabilitation Program for Chemical Dependence.** Respondent, at his expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If Respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Respondent in violation of probation.

Based on Board recommendation, each week Respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to

1 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
2 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
3 and/or other ongoing recovery groups.

4 **(B) Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent  
5 shall completely abstain from the possession, injection or consumption by any route of all  
6 psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a  
7 health care professional legally authorized to do so as part of documented medical treatment. ...  
8 Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the  
9 prescribing health professional, a report identifying the medication, dosage, the date the  
10 medication was prescribed, the Respondent's prognosis, the date the medication will no longer be  
11 required, and the effect on the recovery plan, if appropriate.

12 Respondent shall identify for the Board a single physician, nurse practitioner or physician  
13 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
14 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
15 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
16 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
17 considered addictive have been prescribed, the report shall identify a program for the time limited  
18 use of any such substances.

19 The Board may require the single coordinating physician, nurse practitioner, or physician  
20 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
21 medicine.

22 **(C) Submit to Tests and Samples.** Respondent, at his expense, shall  
23 participate in a random, biological fluid testing or a drug screening program which the Board  
24 approves. The length of time and frequency will be subject to approval by the Board.  
25 Respondent is responsible for keeping the Board informed of Respondent's current telephone  
26 number at all times. Respondent shall also ensure that messages may be left at the telephone  
27 number when he is not available and ensure that reports are submitted directly by the testing  
28 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately

1 to the Board by the program and Respondent shall be considered in violation of probation.

2 In addition, Respondent, at any time during the period of probation, shall fully cooperate  
3 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
4 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
5 hypnotics, dangerous drugs, or other controlled substances.

6 If Respondent has a positive drug screen for any substance not legally authorized and not  
7 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
8 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
9 practice pending the final decision on the petition to revoke probation or the accusation. This  
10 period of suspension will not apply to the reduction of this probationary time period.

11 If Respondent fails to participate in a random, biological fluid testing or drug screening  
12 program within the specified time frame, Respondent shall immediately cease practice and shall  
13 not resume practice until notified by the Board. After taking into account documented evidence  
14 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
15 suspend Respondent from practice pending the final decision on the petition to revoke probation  
16 or the accusation. This period of suspension will not apply to the reduction of this probationary  
17 time period.

18 (D) **Therapy or Counseling Program.** Respondent, at his expense, shall  
19 participate in an on-going counseling program until such time as the Board releases him from this  
20 requirement and only upon the recommendation of the counselor. Written progress reports from  
21 the counselor will be required at various intervals.

JUN-27-2011 MON 03:21 PM DEPT. OF JUSTICE/ATTY GEN

FAX NO. 6196452883

P. 16

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Kevin C. Murphy. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 7/6/11

Mark Angeloni  
MARK ANGELONI AKA MARK ADAM  
ANGELONI  
Respondent

I have read and fully discussed with Respondent Mark Angeloni aka Mark Adam Angeloni the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 7/5/11

Kevin C. Murphy  
KEVIN C. MURPHY  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer

Affairs. JKS  
Dated: June 5, 2011

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General

Desiree I. Kellogg  
DESIREE I. KELLOGG  
Deputy Attorney General  
Attorneys for Complainant

SD2010702018/80518315.doc

**Exhibit A**

**First Amended Accusation No. 2011-366**

7-1-11  
RECEIVED  
JUL 1 2011  
CLERK OF COURT  
JUL 1 2011



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*Attorneys for Complainant*

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13 **ANGELONI**  
14 **10279 Caminito Agadir**  
**San Diego, CA 92131**

**FIRST AMENDED ACCUSATION**

15 **Registered Nurse License No. 326193**

16 **Respondent.**

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this First Amended Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
22 Department of Consumer Affairs.

23 2. On or about March 31, 1981, the Board of Registered Nursing issued Registered  
24 Nurse License Number 326193 to Mark Angeloni, aka Mark Adam Angeloni (Respondent). The  
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on August 31, 2012, unless renewed.

27 ///

28 ///

## JURISDICTION

3. This First Amended Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

7. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct....

8. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

...

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

## COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## DRUG

10. Dilaudid a brand name for hydromorphone, is a Schedule II controlled substance as designated by Health and Safety Code Section 11055(b)(1)(K) and is a dangerous drug pursuant to Business and Professions Code section 4022. Dilaudid is a narcotic analgesic prescribed for the relief of moderate to severe pain.

## FACTUAL ALLEGATIONS

11. Respondent was employed as a registered nurse with Around the Clock Healthcare Services, a nursing registry. From approximately March 11, 2007 to February 1, 2009, Respondent was assigned to the Emergency Department of Riverside County Regional Medical Center in the city of Moreno Valley, California. The Assistant Nurse Manager at Riverside County Regional Medical Center received numerous complaints from licensed vocational nurses that Respondent was medicating patients for whom he was not assigned to provide care. Thereafter, an internal investigation was conducted and the following discrepancies and inconsistent and/or unintelligible entries in hospital and patient records attributable to Respondent were discovered.

12. Patient (AN partial MR #7769): This twenty one year old female patient was admitted to the Emergency Department of Riverside County Regional Medical Center at 0856 hours on January 5, 2009 and discharged at 0945 hours that same day. On January 6, 2009 at 1511 hours, Respondent withdrew 1 mg of Dilaudid from the Pyxis<sup>1</sup> for Patient 7769, who had

<sup>1</sup> Pyxis is a trade name for the automatic single-unit dose medication dispensing system that records information such as patient name, physician orders, date and time medication was withdrawn, and the name of the licensed individual who withdrew and administered the medication. Each user/operator is given a user identification code to operate the control panel. Sometimes only portions of the withdrawn narcotics are given to the patient. The portions not given to the patient are referred to as "wastage." This waste must be witnessed by another authorized user and is also recorded by the Pyxis machine.

1 been discharged the prior day. Respondent did not record in the patient's medication.  
2 administration record (MAR) that the medication was administered. One mg of Dilaudid is  
3 unaccounted for.

4 13. Patient (GV partial MR #7172): This thirty seven year old male patient was admitted  
5 to the Emergency Department of Riverside County Regional Medical Center at 0610 hours on  
6 January 6, 2009 and discharged at 0817 hours on that same day. On January 8, 2009 at 1720  
7 hours, Respondent withdrew 1 mg of Dilaudid from the Pyxis at 1720 hours for Patient 7172 who  
8 had already been discharged. Respondent did not record in the patient's MAR that the  
9 medication was administered. One mg of Dilaudid is unaccounted for.

10 14. Patient (MW partial MR #1074): On January 15, 2009, Respondent withdrew 1 mg  
11 of Dilaudid from the Pyxis at 1905 hours for this patient. Respondent charted that he  
12 administered 0.5 mg of Dilaudid to this patient at 1910 hours. However, there is no indication in  
13 the patient's MAR that the other 0.5 mg of Dilaudid was administered to the patient by  
14 Respondent, nor any record of wastage for the other 0.5 mg of Dilaudid withdrawn by  
15 Respondent. Thus, 0.5 mg of Dilaudid is unaccounted for.

16 15. After the internal investigation was concluded, Riverside County Regional Medical  
17 Center issued a "do not return" request for Respondent to Around the Clock Healthcare Services,  
18 due to his discrepancies.

#### 19 FIRST CAUSE FOR DISCIPLINE

##### 20 **(Unprofessional Conduct – Obtain Controlled Substances Unlawfully)**

21 16. Respondent is subject to disciplinary action for unprofessional conduct under section  
22 2762(a) in that while assigned as a registered nurse at Riverside County Regional Medical Center,  
23 Respondent unlawfully obtained and possessed controlled substances, as is more particularly set  
24 forth in paragraphs 11 through 15 above, which are incorporated herein as though set forth in full.

1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct-Falsify or Make Grossly Incorrect or Inconsistent Entries)

3 17. Respondent is subject to disciplinary action for unprofessional conduct under Code  
4 section 2762(e) for falsifying or making grossly incorrect, inconsistent and/or unintelligible  
5 entries in the hospital records of Riverside County Regional Medical Center by withdrawing  
6 medication, charging the withdrawal to patients who did not receive the drugs or for whom  
7 Respondent did not document administration or wastage of the drug as is more particularly set  
8 forth in paragraphs 11 through 15 above, which are incorporated herein as though set forth in full.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 326193, issued to Mark  
13 Angeloni aka Mark Adam Angeloni;

14 2. Ordering Mark Angeloni aka Mark Adam Angeloni to pay the Board of Registered  
15 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to  
16 Business and Professions Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.

18  
19 DATED: 6-27-11

20 *for* LOUISE R. BAILEY, M.Ed., RN  
21 Executive Officer  
22 Board of Registered Nursing  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant  
26  
27  
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